

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1, 2, 4-9, 11-16 and 19-20 are currently pending in this application. Claims 3, 10, 17-18 and 21 have been cancelled without prejudice. Claims 1, 2, 8, 14-16 and 19-20 have been amended to more distinctly claim subject matter which the Applicant regards as the invention. Claim 19 has also been amended to correct insufficient antecedent basis of a term therein. Applicant submits that no new matter has been introduced into the application by these amendments.

Claim Rejections - 35 USC §112

Claim 19 stands rejected under 35 USC §112 second paragraph as being indefinite for failing to provide sufficient antecedent basis for a term therein. Claim 19 has been amended to correct the insufficient antecedent basis. Withdrawal of the 35 USC §112 rejection of claim 19 is respectfully requested.

Claim Rejections - 35 USC §102

Claims 1, 2, 4, 5, 7-11 and 14-16 stand rejected under 35 USC §102(b) as being anticipated by Osborn (U.S. 6,119,022). Claim 10 has been cancelled, therefore this rejection is now moot as to claim 10. Withdrawal of the 35 USC §102(b) rejection of claim 10 is respectfully requested.

As currently amended, independent claims 1, 2, 8 and 15 of the present application are directed to a method and apparatus for remotely announcing an incoming call to a user according to a call class which is determined based on a database and a caller response to a query. Support is found in paragraph [0030], wherein "a user may assign a default classification based on the WTRU's address

book or other database, and assign a specific classification to particular numbers in the database, and incorporate caller response into the classification. Thus, a call from a particular number may be assigned high priority with no caller query, a call from another number may be assigned a lower priority unless the caller indicates a higher priority in response to a caller query....”

Osborn teaches remotely annunciating a call to a portable communication device using an accessory unit using data in a memory, such as an address book. In Osborn, “Control circuitry 32 of accessory unit 18 may also optionally include memory to store a list of certain source identifying information, wherein the particular source identifying information received for a given incoming call to portable communication device 10 may be compared therewith and automatically dispatched in accordance with predetermined instructions relating thereto.” For example, in Osborne a call from a number which is in an address book might be annunciated, while others are not.

However, Osborne does not disclose annunciating a call based on a database (such as an address book) and a caller response to a query, as does the present application. In a scenario in which a cell phone user is in an important meeting, Osborn would annunciate a call from a known caller, even if the caller just wanted to chat. The present application, however, would be able to recognize the caller, query the known caller to indicate if it is an emergency, and only annunciate an emergency call from a known caller.

Therefore, Applicant believes independent claims 1, 2, 8 and 15 are easily distinguishable from Osborn, and thus believes independent claims 1, 2, 8 and 15 are allowable over Osborn. Withdrawal of the 35 USC §102(b) rejection of claims 1, 2, 8 and 15 is respectfully requested. Claims 4, 5 and 7 depend from claim 2, claims 9 and 11 depend from claim 8, and claim 16 depends from claim 15, thus Applicant

believes these claims are also allowable over Osborne. Withdrawal of the 35 USC §102(b) rejection of claims 4, 5, 7, 11 and 16 is also respectfully requested.

As to claim 14, as amended claim 14 is directed to a WTRU that sends a notification to a remote unit in response to an alert other than a telephone call. Support is found in paragraphs [0044]-[0045], which disclose "In the case of alerts other than calls, the display can indicate a general nature of the alert....The ability to receive RF signals allows signaling from other devices, such as a baby monitor, an oven, a reminder alarm or a door monitor....The wearable device thereby alerts its user to predetermined events programmed by the user. It relays alerts, alarms, and short text messages from monitors, microprocessor-based appliances, security systems, etc., that are transmitted from these devices." No similar concept is disclosed or suggested by Osborn. Therefore, applicant believes claim 14 as amended is allowable over Osborn. Withdrawal of the 35 USC §102(b) rejection of claim 14 is respectfully requested.

Claim Rejections - 35 USC §103

Claims 3, 6, 12, 13 and 17-21 stand rejected under 35 USC §103(a) as being unpatentable over Osborn (US 6,119,022) in view of various combinations of Bach et al. (US 6,377,795), Cazier (US 2004/0100505 A1), Henriksson (US 5,845,219) and Burgess (US 20002/0128033 A1). Claims 3, 17-18 and 21 have been cancelled, therefore this rejection is moot as to these claims. Withdrawal of the 35 USC §103(a) rejection of claims 3, 17-18 and 21 is respectfully requested.

Regarding claim 6, Bach discloses selecting certain phone numbers from which incoming calls will be accepted, and blocking all other calls (column 4 lines 31-35). All accepted calls are annunciated in accordance with a SPECIAL mode. In one embodiment, the caller is asked to indicate a call priority. If the caller indicates

an urgent call, "the call will go through and the phone would ring", (column 3 lines 18-19). Thus, Bach essentially discloses annunciating a call based on information from a database and a caller response to a query. However, Bach does not disclose classifying a call based on a database and a caller response to a query, as does the present application. In the present application, a call from one number which the caller indicates is urgent may be classified as high priority, while a call from another number which the caller indicates is urgent may be classified as a lower priority. For example, in the present application, an urgent call from a business associate might be treated differently than an urgent call from a friend, or from a baby sitter, or from a doctor's office. Bach does not teach or suggest any such capability, either alone or in combination with Osborn.

Furthermore, Bach does not disclose using a remote accessory to annunciate a call. In fact, Bach in column 2 lines 17-23 notes that an "embodiment for handling the ringing problem is to adapt one of the pagers' solutions, i.e., a vibration or light option replacing the audible ringing. This embodiment seems less desirable, as in many meetings the phone is placed on a table or left in a brief case. Therefore, the 'one ring' solution is the preferred embodiment." Thus, Bach makes reference to a pager-like vibrating call annunciating solution. From here, Bach might have suggested (but instead failed to suggest) that a remote vibrating accessory be used in conjunction with the phone to annunciate a call. Instead, he teaches away from such a solution in favor of a phone that minimizes the disturbance caused by an incoming call by ringing only once to annunciate the call. Therefore, combining Bach with Osborn would not have been obvious.

Based on the arguments presented above, Applicant believes claim 6 is distinguishable over the prior art of record. Withdrawal of the 35 USC §103(a) rejection of claim 6 is respectfully requested.

Regarding claims 12-13, the Office Action rejects these claims over Osborn in view of Cazier, and depends on Cazier for a menu function control in communication with a local wireless phone (citing Cazier paragraphs 9, 24). However, Cazier does not disclose at the cited locations or elsewhere the use of a menu function control in communication with a local wireless phone. Rather, Cazier is directed to the problem of displaying menu items on a device with severe display size restrictions, such that the menu items which are most commonly used by a user are arranged in a most convenient order. In Cazier, the history of menu use on a "peripheral device" which has a configurable menu display (such as a camera) is maintained in a "prioritization file." The prioritization file data is communicated to a "remote device" (such as a computer) which reconfigures the menus in accordance with usage patterns indicated in the prioritization file. The remote device then communicates the reconfigured menus to the peripheral device. Cazier does not teach or suggest a menu function control on a remote device in communication with a local wireless phone, as does the present application.

Furthermore, Applicant believes Cazier is directed to an unrelated field of endeavor which solves a different problem than the present application is directed to. One of skill in the art of cell phone call annunciation would not look to Cazier, which is directed to the problem of inconvenient menu layout, for the type of menu function control disclosed in the present application.

Based on the arguments presented above, Applicant believes claims 12-13 are distinguishable over the prior art of record. Withdrawal of the 35 USC §103(a) rejection of claims 12-13 is respectfully requested.

Regarding claims 19-20, there is no suggestion in Osborn, Henriksson or Burgess, alone or in combination, to classify a call based on information from a database and a caller response to a query, as in independent claim 15 from which

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claims 19-20 depend. Therefore, Applicant believes claims 19-20 are distinguishable over the prior art of record. Withdrawal of the 35 USC §103(a) rejection of claims 19-20 is respectfully requested.


Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including claims 1, 2, 4-16 and 19-20, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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